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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/724,601	12/02/2003	Kazuto Ariga	03560.003407	2595
5514 7590 04/06/2007 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER HSU, AMY R	
			ART UNIT	PAPER NUMBER
			2609	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/06/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/724,601

Applicant(s)

ARIGA, KAZUTO

Examiner

Amy Hsu

Art Unit

2609

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12/2/2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 10/24/2005 and 3/10/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

***Claim Objections***

1. Claim 7 is objected to because of the following informalities: There is an error regarding the reader and corresponding sample image, which makes the claim unclear. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-4, 6-10, 12, 14-15, 17-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Yokokawa (US 7,184,082).

Regarding Claims 1, 7, and 14 Yokokawa teaches an imaging apparatus comprising: an imaging unit that converts an optical image into electronic image data

(Col 5 Lines 5-9); a monitor that displays an image based on electronic image data (Col 5 Lines 37-39); a storage medium storing electronic image data corresponding to a plurality of sample images (*Fig. 1 reference number 4 and Col 5 Lines 24-26*); and a control circuit (*Fig. 1 reference number 9*) that controls operation of said imaging apparatus so as to simultaneously display on said monitor an object image corresponding to the optical image of said imaging unit and one of the plurality of sample images (*Fig. 4E and Col 10 Lines 25-30 describe a screen with a mode that displays an object image from the imaging unit, marked 061 on Fig. 4E, and simultaneously displays one of the plurality of sample images, marked 062 on Fig. 4E*). The reader in Claim 7 and similarly, the method of reading in Claim 14 are further addressed below with Claim 6.

Regarding Claim 2, Yokokawa teaches an imaging apparatus according to claim 1, wherein said control circuit saves the electronic image data corresponding to the object image in said storage medium such that the object image is associated with the sample image simultaneously displayed therewith on said monitor (*Fig. 6B shows the object image marked 001 and the sample image marked 002 simultaneously displayed. Fig. 7B shows how Frames 1-13 are classified in storage together based on same or similar shooting conditions. This illustrates how the object image is associated with the sample image based on similar shooting condition*).

Regarding Claims 3 and 9, Yokokawa teaches an imaging apparatus according to claim 1, further comprising a second storage medium that stores electronic image data (*Fig. 1 reference number 5 shows the memory card for image storage, this is in*

*addition to the storage medium represented by reference number 4), wherein said control circuit optionally saves the electronic image data corresponding to the object image in the second storage medium such that the object image is associated with the sample image simultaneously displayed therewith on said monitor (Fig. 6B and Fig 7B describe the association within the storage).*

Regarding Claim 4, Yokokawa teaches an imaging apparatus according to claim 1, wherein said storage medium stores additional data associated with each of the plurality of sample images, the additional data including respective imaging conditions suitable for capturing the plurality of sample images (*Col 2 Lines 63-67*).

Regarding Claims 6, 7, and 14 Yokokawa teaches an imaging apparatus according to claim 1, further comprising: a reader that reads electronic image data corresponding to a sample image from an external storage medium (*Col 16 Lines 15-17*); and a selector that selects whether said control circuit controls operation of said imaging apparatus so as to display on said monitor the sample image read from the external storage medium or one of the plurality of sample images from the storage medium (*Col 16 Lines 40-43 describe a selector that generally allows a user to control operations of the apparatus but does not specifically describe selecting a sample image from external storage medium versus other storage medium. However, Col 16 Lines 15-17 describe how the apparatus can read from external storage medium and Col 16 Lines 31-33 describe how the apparatus can also read from the sample images of the storage medium of the apparatus of Claim 1 by connecting via USB cable (Col 16 Lines 31-33). Therefore the apparatus can read from both the external storage*

medium and the storage medium, the apparatus itself acts as a selector to read from the appropriately connected medium.

Note that the imaging apparatus of Claim 6 and all claims with similar limitations is taught by the system disclosed by Yokokawa comprising the electronic camera with image displaying system of *Fig. 1* connected to the image printing system of *Fig. 8* by a USB cable (*Col 16 Lines 31-33*).

Regarding Claims 8 and 15, Yokokawa teaches an imaging apparatus according to claim 7, wherein said reader is capable of writing data to the external storage medium (*Col 16 Lines 11-14*), and wherein said controller controls said reader so as to save electronic image data corresponding to the object image on the external storage medium such that the object image is associated with the sample image displayed simultaneously therewith on said monitor. This function of saving electronic image data corresponding to the associated sample image is previously addressed for the apparatus in Claim 1. Since the apparatus of Claim 1 is connected to the printing system, *Fig. 8*, to teach the imaging apparatus in Claim 7, the apparatus in Claim 7 is capable of saving that which is on the apparatus of Claim 1 since the two form a system. A camera capable of saving with the limitations of Claim 8 still has the same capabilities when part of a system. The information from the camera connected to the printing system via USB cable is read into the printing system and can be written to the external storage medium.

Regarding Claims 10, Yokokawa teaches an imaging apparatus according to claim 7, wherein said reader reads additional data associated with the sample image,

the additional data including an imaging condition suitable for capturing the sample image (*Col 18 Lines 10-16 teach the reader reading image information*).

Regarding Claim 12, 17 and 18, Yokokawa teaches an imaging apparatus according to claim 7, wherein said reader reads electronic image data corresponding to a plurality of sample images from the external storage medium (*Col 18 Lines 32-33 describe the reader reading an image from among the images on the external storage medium*), and further reads additional data associated with the plurality of sample images, the additional data including respective imaging conditions suitable for capturing the plurality of sample images (*as addressed with Claim 10*). Regarding Claim 18, sample images are stored in a plurality of storage media including an MMC/SD memory card (*Col 16 Line 26*), a compact flash drive (*Col 16 Line 22*), and a smart medium drive (*Col 16 Line 18*).

Regarding Claim 19, Yokokawa teaches a program for functions of the disclosed camera (*Col 5 Lines 55-56*) including the limitations of Claim 19, as addressed in the paragraph regarding Claim 7.

Regarding Claim 20, Yokokawa teaches a program for functions of the disclosed camera (*Col 5 Lines 55-56*) including the limitations of Claim 20, as addressed in the paragraph regarding Claim 2.

Regarding Claim 21, Yokokawa teaches a program for functions of the disclosed camera (*Col 5 Lines 55-56*) including the limitations of Claim 21 as addressed in the paragraph regarding Claim 4.

Regarding Claim 22, Yokokawa teaches a program for functions of the disclosed camera (*Col 5 Lines 55-56*) including the apparatus' ability to select a sample image from a plurality of storage media (*Fig. 1 reference numbers 4 and 5 depict at a plurality of storage media*).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 5,11,13,16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yokokawa (US 7,184,082) further in view of Hibino et al. (US 6,252,625).

Regarding Claims 5, 11, and 13 Yokokawa teaches an imaging apparatus according to claim 4, where the imaging condition is included in the additional data stored with the sample image. Yokokawa fails to teach that the control circuit controls an image capture operation of the imaging unit in accordance with said imaging condition of associated sample image which is simultaneously displayed on the monitor. Hibino teaches an imaging apparatus, which captures images, based on settings or imaging conditions of an associated sample image. Fig. 6 shows the image capturing procedure where a sample image, the first frame as shown in reference number S1001, has associated imaging conditions such as exposure control,



reference number S1006. Subsequent images captured use the imaging conditions of the sample image (*Col 2 Lines 24-25 00and Col 2 59-67 through Col 3 Lines 1-3*). It would have been obvious at the time the invention was made to one of ordinary skill in the art to modify the imaging apparatus of Yokokawa, which provides sample images with stored imaging condition information, by using said stored condition information to set the camera settings to capture subsequent images which will be associated with the sample image because given that the two simultaneously displayed images are associated, image capturing setup time will decrease by reducing the camera setting adjustments since the conditions are similar and do not need to be readjusted.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure includes Mino (US 2003/0058344), Ban (US 2004/0201741), Koseki et al. (US 7098946), Miller et al. (US 6310648), Sato (US 6515704), Parulski et al. (US 6516154), and Sugimoto (US 6829009).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amy Hsu whose telephone number is 571-270-3012. The examiner can normally be reached on M-F 8am-6pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2609

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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